

## DIVISION 14. I-0, I-1, I-2 DISTRICTS

### Sec. 59-281. Purpose.

The following paragraphs explain the general purpose and intent of the individual zone districts. No industrial zones allow new residential uses.

**(1) I-0 Light industrial/office zone district:** This district is intended to be an employment area containing offices, business and light industrial uses which are generally compatible with residential uses. I-0 zoned areas have been established throughout the city to serve as a land use buffer between residential areas and more intensive industrial areas. All uses conducted in this district shall be enclosed within a structure unless specifically allowed to operate out of doors.

**(2) I-1 General industrial zone district:** This district is intended to be an employment area containing industrial uses which are generally more intensive than those permitted in the I-0 zone. A larger number of business and commercial uses are permitted in this district as compared with the I-0 zone, yet the overall purpose of the district is to promote industrial development and economic activity.

**(3) I-2 Heavy industrial zone district:** This district is intended to be an employment area containing industrial uses which are generally more intensive than that permitted in either of the other industrial zones. A similar number of business and commercial uses are allowed in this zone as are allowed in the I-1 zone.

(Ord. No. 361-03, § 3, eff. 5-23-03)

### Sec. 59-282. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, conditional, limited, require short review or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in any of these districts. Uses left blank are not allowed in that district. Permitted uses are uses by right.

TABLE INSET:

<b>Key:</b> P = Permitted L = Uses permitted with limitations C = Uses permitted with conditions S = Uses permitted after short review procedure D = Uses permitted with distance requirements * = Need not be enclosed, exempt from I-0 enclosure requirement (blank) = Not permitted			
Use	Zone District		
	I-0	I-1	I-2
<b>Residential</b>			
Dwelling, multiple unit	L200	L200	L200
Dwelling, single unit	L200	L200	L200
Artist studio	P*	P	P
<b>Retail, service, office</b>			
Animal care, kennel, cattery	L15	L15/C	L15/C
Animal sales, service, care, household pets only	P	P	P
Auto pawn lot, auctioneer for automobiles, large vehicles or heavy equipment	C/L22*	L22	L22

Automobile gasoline filling station, emissions inspection	L25/S	L25/S	L25/S
Automobile repair garage	S/L27/C	L27/C	L27/C
Automobile wash, laundry and/or polishing shop*	S	P	P
Automobile, motorcycle, light truck sales, leasing, rental*	S	P	P
Banking and financial services	P	P	P
Bookstore	S/L2	L2	L2
Brewpub	P	P	P
Communications service	P	P	P
Eating place	L1*/L192	L1/L192	L1/L192
Food preparation and sales, commercial	C/D5	C/D5	C/D5
Food sales or market, large	D8/L52/C/ S	D8/S	D8/S
Food sales or market, small	S	S	S
Furniture, furnishings, retail sale, large scale	S/L2/L54	L2/L54	L2/L54
Garden supply store	S/L2	L2	L2
Home building materials and supplies, sales, or rental	S/L2	L2	L2
Hotel	P	P	P
Laboratory, research, development, technological service	C	C	C
Liquor store	D7	D7	D7
Motel	P	P	P
Office: nondental, nonmedical	P	P	P
Outdoor sales, flea market*	C/D8	D8	D8
Printing service, publishing, business support	S/L69/C	S	S
Retail, service, repair, consumer, large scale	S/L2	L2	L2
Retail, service, repair, consumer, medium scale	S/L2	L2	L2
Retail, service, repair, consumer, small scale	S/L2	L2	L2
Retail, service, repair, consumer, special	S/L2/L54	L2/L54	L2/L54
Service, repair, commercial	C/L88	C/L88/S	C/L88/S
Vehicle, equipment sales, leasing, service, rental*	S	L91/S	L91/S
Industrial, wholesale, transportation, utilities			
Assembly, without fabrication	L95	L95	L95
Automobile parts recycling business*		D5	D5
Automobile towing service storage yard*		D5	D5
Helipad, helistop, heliport*		C/D10	C/D10
Junkyard*			C/D11
Manufacturing, fabrication, and assembly, custom	C/D5	C/D5	C/D5

Manufacturing, fabrication, and assembly, general	C/D5	C/D5	C/D5
Manufacturing, fabrication, and assembly, heavy		C/D5/L10 1	C/D5/L10 2
Manufacturing, fabrication, and assembly, light	C/D5	C/D5	C/D5
Parking of vehicles*	P	P	P
Railroad facilities*		C	C
Railway right-of-way*	P	P	P
Recycling center, facility	C/D5	C/L113/D5	L113/D5
Recycling collection station	L112/D15*	D15	D15
Recycling plant, scrap processor		C/L113/D1 5	L113/D15
Terminal and service facility for bus system*		S/D13	S/D13
Terminal, freight, air courier services*		S/D14	S/D14
Utility, major impact	L115*	L116/C	L116/C
Utility, minor impact	L117	L117	L117
Vehicle storage, commercial*	L120	L120	L120
Wholesale trade, general, and/or storage of toxic and/or hazardous materials		C/D15	C/D15
Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials	S	P	P
Arts, entertainment, recreation, institutions			
Ambulance service	S	S	S
Cemetery	L19/C/D16	L19/C/D16	L19/C/D1 6
Child care center	P	P	P
Church, religious institution	P	P	P
Clinic, office, laboratory, dental or medical	L135/C	L135/C	L135/C
Club or lodge	P	P	P
Community or senior center or recreational facility	P	P	P
Conference center, meeting hall	P	P	P
Fire station	P	P	P
Mortuary	C/D16	C/D16	C/D16
Museums, other special purpose cultural institutions		P	P
Parks, public, open space, associated buildings*	P*	P	P
Police station	P	P	P
Postal facility, neighborhood	P	P	P
Recreation services, indoor	C/D5/S	D5/S	D5/S

Recreation services, outdoor*	S/L152*	S/L152	S/L152
School, elementary or secondary	P	P	
School, vocational or professional	L158	L158	L158
Sports and/or entertainment facility	C/L139/D5*	L139/D5	L139/D5
Studio, professional	P*	P	P
Theater, indoor	S	S	S
University or college	P	P	L158
Construction, mining, agriculture			
Aquaculture	P*	P	P
Contractors, special trade, general	C/D5	D5	D5
Contractors, special trade, heavy, contractor yard*	C/D5	D5	D5
Husbandry*	L168	L168	C/D5/L168
Nursery, plant	P*	P	P
Oil, gas, production, drilling*	C/D18	D18	D18
Sand or gravel quarry*		C/D5	C/D5
Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)			
Construction, temporary structures (See § 59-81)			
Residential care uses (See § 59-82)			
Power, gas, telecommunications (See § 59-83)			
Accessory uses (See § 59-87)			

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 436-04, § 1, 7-9-04; Ord. No. 625-05, § 13, eff. 9-2-05; Ord. No. 909-05, § 7, eff. 12-16-05; Ord. No. 326-05, § 11, eff. 5-26-06; Ord. No. 362-06, § 1, eff. 6-16-06)

#### Sec. 59-283. Distance requirements.

The following defines the distance requirement enumerated in the use chart in section 59-282:

*D5* Denotes a 500-foot spacing requirement between a use and a residential zone. This requirement may be reduced by the environmental review committee if an analysis of the proposed use, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

*D7* No liquor store or drugstore licensed to sell package liquors, not existing or operating on August 31, 1997, shall be established, operated, or maintained within one thousand (1,000) feet of another liquor store or drugstore licensed to sell package liquors. No liquor store or drugstore licensed to sell package liquors, not existing or operating on July 31, 2000, shall be established, operated, or maintained within one thousand (1,000) feet of a community corrections facility.

*D8* Any proposed farmer's market or flea market located within five hundred (500) feet of an "R" zone must comply with the short review procedure.

*D10* Must be a minimum of one thousand (1,000) feet from a residential district or a PUD district which allows residential uses.

*D11* Must be completely enclosed by a solid wall or fence in accordance with section 59-291(a) and must be a minimum of one thousand (1,000) feet from any residential or business district.

(Ord. No. 459-06, § 13, eff. 7-21-06)

*D13* Any terminal proposed after January 11, 1991, shall be a minimum of five hundred (500) feet from a residential district; provided, however, this 500-foot spacing requirement may be reduced by the environmental review committee for an expansion of an existing facility if an analysis of the proposed expansion, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby residential zone.

*D14* Any terminal proposed after January 11, 1991, shall be a minimum of five hundred (500) feet from a residential district; provided, however, this 500-foot spacing requirement does not apply to an increase of an existing use of less than fifteen (15) percent gross floor area or gross site area, or the 500-foot spacing requirement may be reduced by the environmental review committee for an expansion greater than fifteen (15) percent gross floor area or gross site area of an existing facility if an analysis of the proposed expansion, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby residential zone.

*D15* Must be a minimum of five hundred (500) feet from an "R" district.

*D16* Crematorium shall be a minimum of five hundred (500) feet from a residential zone.

*D18* Limited to geophysical services. The planning office shall determine the separation between the proposed use and nearby residential zones based on the external effects of the proposed use. Geophysical services are a conditional use in the I-0 district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-284. Limitations.**

The following define the limitations enumerated in the use chart in section 59-282:

*L1* Eating place: providing that upon application to and issuance by the department of zoning administration of a permit therefor the aforesaid use need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat, provided further that:

a. If such an outdoor eating area must be fifty (50) feet or more from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 districts, it shall be subject to the following conditions:

1. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and
2. The outdoor eating area shall be clearly delimited by fences, walls or plant materials.
3. No required off-street parking spaces shall be used for the outdoor eating area.
4. Where the outdoor eating area lies between fifty (50) and one hundred (100) feet of any of the residential districts listed above the use of the outdoor eating area and all activities therein shall cease by 10:00 p.m. except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.;
5. Each permit shall be valid for a period of not more than one (1) year but, upon application, may be renewed.

Failure to comply with all of the above conditions shall be cause for revocation of the permit.

b. If such an outdoor eating area is less than fifty (50) feet from the nearest boundary of any RS-4, R-0, R-1, R-X, R-2, R-2-A, R-2-B, R-3-X or R-3 district, it shall be subject to the approval of the board of adjustment under the provisions of section 59-54(3)u.

(Ord. No. 228-05, § 9, eff. 4-15-05)

*L2* Sale at retail of the items listed below: In the I-0 district this use shall comply with the short review procedure.

a. Hardware;

b. Any commodity manufactured, processed or fabricated only on the premises;

c. Equipment, supplies and materials (except commercial explosives) designed especially for use in agriculture, mining, industry, business, transportation, building and other construction; except that retail sales of new or used recreation vehicles shall be approved subject to the short review procedure per section 59-285.

d. Any commodity, except the permitted and prohibited uses listed in paragraph (c) above, which are warehoused only on the premises, but only to the extent that the total floor area utilized by retail sales of all such warehoused commodities shall not exceed twenty (20) percent of the gross floor area of the warehouse.

e. In the I-1 and I-2 zones any commodity other than those which are warehoused on the premises. The total floor area utilized by the retail sales of all such warehoused commodities may comprise up to one hundred (100) percent of the gross floor area providing the following conditions are met:

1. A site plan of the proposed development is submitted by the applicant and approved by the zoning administration after review by the planning office.
2. The gross floor area of one (1) or more such retail uses in any single structure shall exceed twenty thousand (20,000) square feet. The retail use will serve a community-wide or citywide area.
3. The structure containing the proposed use shall be located a minimum of five hundred (500) feet from any residential zone or any residential PUD, and traffic generated by the proposed retail-warehouse use shall not impact nearby residential access streets.
4. Notwithstanding the provisions of section 59-586, required offstreet parking, the proposed use shall provide one (1) parking space for each six hundred (600) square feet of gross floor area except that this requirement may be reduced to one (1) space per one thousand two hundred (1,200) square feet by the zoning administrator where it is

determined that some characteristic of the proposed activity will exist which justifies a reduction in the requirement. Parking lots serving such retail-warehouse uses shall be landscaped according to the rules and regulations for parking lot landscaping.

5. No retail package liquor business, not existing or operating on August 31, 1997, shall be established, operated, or maintained within one thousand (1,000) feet of another such business, including a liquor store or a drugstore licensed to sell package liquors.

6. No retail package liquor business, not existing or operating on the effective date of this provision (July 31, 2000), shall be established, operated, or maintained within one thousand (1,000) feet of a community corrections facility.

*L15* Limited to kennel or cattery; where located abutting an "R" district, 50-foot wide landscaped buffer shall be provided as approved by the planning office. Animal care is not permitted in the I-0 district; in the I-1 and I-2 districts, it is a conditional use.

*L19* Limited to columbarium.

*L22* Adjoining residential zones should be protected from the external effects of the vehicle or equipment storage area by the establishment of landscaped buffers, by the location of landscaped employee or public parking areas or by other means. Vehicle traffic generated should not be allowed to pass through residential neighborhoods.

*L25* Automobile gasoline filling station requires short review.

*L27* Limited to: Repair, rental and servicing of any commodity which is manufactured, processed, fabricated, stored or sold in the district, except for the following: vehicle body shop, upholstery or top shop, paint shop, refrigeration and air-conditioning service and repair, disinfecting and pest control service. Uses located in the I-0 shall comply with the short review procedure. Conditional uses: Repair, rental and servicing of any commodity which is manufactured, processed, fabricated, stored or sold in the zone which involve an environmental hazard as determined by the fire department, including but not limited to the following: vehicle body shop, upholstery or top shop, paint shop, refrigeration and air-conditioning service and repair, disinfecting and pest control service.

*L52* Conditional use: farmer's market.

*L54* In the I districts repair, rental and servicing is limited to any commodity which is manufactured, processed, fabricated, stored or sold in the district, except for the following: vehicle body shop, upholstery or top shop, paint shop, refrigeration and air conditioning service and repair, disinfecting and pest control service. Uses located in the I-0 district shall comply with the short review procedure.

*L69* Use by right: Blueprinting, copy shop, publishing company, desktop publishing or job shop. Limited to twenty-five (25) employees. Blueprinting and job shop establishments must comply with the short review procedure. Publishing is a conditional use.

*L88* Limited to the following conditional uses:

- a. Repair, rental and servicing of any commodity which is manufactured, processed, fabricated, stored or sold in the zone which involve an environmental hazard as determined by the fire department, including but not limited to the following: vehicle body shop, upholstery or top shop, paint shop, refrigeration and air conditioning service and repair, disinfecting and pest control service;
- b. Autoclave;
- c. Laundry, dry cleaning, commercial, industrial: short review in the I-1 and I-2 districts, not permitted in the I-0 district.

*L91* Retail sales of new or used recreation vehicles shall be approved subject to the short review procedure per section 59-285.

*L95* Limited to assembly of products not involving bonding and/or heating or toxic or hazardous materials as determined by the department of environmental health or by the fire department.

*L101* Limited to: Use by right: Brewery or malt beverage manufacturing - limited to not more than sixty thousand (60,000) barrels per year. See distance requirement.

Conditional uses:

- a. 3631 Household cooking equipment;
- b. 3632 Household refrigerators and freezers;
- c. 3633 Household laundry equipment;
- d. 3639 Household appliances.

*L102* Petroleum refining is prohibited except for the following:

295 Asphalt paving and roofing materials;

299 Miscellaneous products of petroleum and coal.

*L112* The zoning administrator shall review the proposed use according to the requirements of section 59-54(3)o.1, required conditions.

*L113* Recycling center, facility shall be completely enclosed, recycling plant, scrap processor shall be enclosed by a solid wall or fence meeting the requirements of section 59-291(a).

(Ord. No. 625-05, § 14, eff. 9-2-05)

*L115* Limited to water reservoir, need not be enclosed.

*L116* Limited to water reservoir, need not be enclosed.

a. Conditional uses:

1. Sanitary service: 500-foot spacing requirement between a use and a residential zone. This requirement may be reduced by the environmental review committee if an analysis of the proposed use, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby residential zone district.
2. Solid waste facility. Must be located in a completely enclosed structure and must be a minimum of five hundred (500) feet from an "R" district.

b. Conditional uses in the I-2 district only; must be a minimum of five hundred (500) feet from an "R" district:

1. Sewage disposal plant.
2. Incinerator, publicly operated.
3. Electric generation plant, excluding nuclear powered plants.

*L117* Electric substation excluded.

*L120* Use by right; commercial storage of vehicles. Any part of such use conducted outside a completely enclosed structure need not comply with section 59-585(11), landscape plan. Garage for public utility vehicles: not permitted in the I-0 district, short review in the I-1 and I-2 districts, 500-foot spacing requirement between a use and a residential zone. This requirement may be reduced by the environmental review committee if an analysis of the proposed use, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby residential zone district. Garage for commercial vehicles not permitted.

*L135* Laboratory is conditional use.

*L139* Entertainment and sports arena, rodeo, stock show or convention center. Notification shall be given to all registered neighborhood organizations within one thousand (1,000) feet of the proposed facility soliciting written comment on the proposal. Building additions to existing facilities which propose more than ten thousand (10,000) square feet of floor area shall be regulated by this notification requirement. Such notification shall be made within fifteen (15) days after receipt of the application for a zoning permit. The planning office shall evaluate the proposal and shall prepare a recommendation which incorporates a consideration for planning and urban design principles and the concerns of the public. Any zoning permit which may be issued may contain conditions based on the recommendations of the planning office.

*L152* Limited to riding academy.

*L158* Limited to school for occupational skills, may include dormitories for students and instructors.

*L168* In I-0 and I-1 districts, limited to plant husbandry only; in the I-2 meat packing plants and poultry slaughtering are conditional uses, distance requirement applies.

*L192* Any drive-through facility on a zone lot that is adjacent to a residentially zoned zone lot shall be limited by all of the following criteria.

- a. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive through queuing and operating lane. Such screen shall at least meet the requirements for screening found in the rules and regulations for the landscaping of parking areas.
- b. There shall be no glare from permanent lighting or vehicle headlights projected onto residential uses. To ensure glare is controlled, all external lights shall have fully shielded fixtures. Light trespass onto residential uses shall not exceed three-tenths (0.3) of a foot candle.
- c. The manager of public works shall only approve curb cuts providing access to the site that do not unreasonably interfere with automobile or pedestrian traffic and shall only approve queuing lanes if they are adequate to prevent backups onto public streets.
- d. No device that amplifies sound shall be so designed or operated that the amplified sound can be perceived on any residentially zoned lot.
- e. All parts of any drive-through facility shall be separate from parking circulation aisles.
- f. Any drive-through facility located on a zone lot that is adjacent to a residentially zoned zone lot and which has any portion of the facility located eighty-five (85) feet or less from the residentially zoned zone lot may only be open during the hours of 5:30 am to 11:00 pm, Sunday through Thursday and 5:30 am to midnight Friday and Saturday.
- g. This limitation L192 applies only to drive through facilities that commence operations after June 1, 2006. (Ord. No. 326-05, § 12, eff. 5-26-06)

*L200*

- a. That there is an existing structure which was erected as a single unit dwelling or multiple unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated and is not a neglected or derelict building under the provisions of article IX (neglected and derelict buildings), chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.
- b. That future rebuilds, physical modifications, alterations, and/or additions to the structure containing the single unit dwelling or multiple unit dwellings shall comply with the provisions of section 59-120 as it applies to the R-0, R-1 and R-2 zone districts.
- c. That uses allowed by temporary permit shall be regulated by section 59-86(b), as it applies to the R-0, R-1 and R-2 zone districts.
- d. That accessory uses allowed shall be regulated by section 59-87.
- e. That accessory structures allowed shall be regulated by section 59-88. A single unit dwelling in the I-0, I-1 and I-2 zone districts shall be subject to the same limitations as a single unit dwelling located in any residential zone district.
- f. That home occupations allowed shall be regulated by section 59-89 as it applies to the R-0, R-1 and R-2 zone districts.
- g. That external effects of such uses shall be regulated by section 59-92 and shall not be exempt from these provisions due to the industrial zoning.
- h. That parking of vehicles shall be regulated by section 59-93 as it applies to the R-0, R-1 and R-2 zone districts.
- i. That the provisions of article V of this chapter on permitted signs allowed in the R-0, R-1 and R-2 zone districts shall be in full force and effect.
- j. The zone lot containing a residential use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended. (Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 436-04, § 2, 7-9-04)

#### **Sec. 59-285. Short review procedure.**

Where the short review procedure is required, applicants shall submit a plan of the property according to the requirements of section 59-515(a)(2), the P.U.D. district plan, excluding the written description of the proposed development. Such plan shall be reviewed by the planning office to resolve any traffic related environmental problems which may affect nearby residential neighborhoods. Also such plan shall be reviewed by the fire department to resolve any fire hazards. Within fifteen (15) days



after the receipt of a completed application by the zoning office, reviewing agencies shall indicate their approval or approval with conditions.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-286. Procedure for the review of conditional uses.**

Conditional uses may be permitted upon the completion of the review procedure described below:

(1) *Application submittal requirements.* Along with the standard zoning application form, the applicant shall submit a plan of the property meeting the requirements of the PUD district plan, section 59-515(a)(2), excluding the written description of the proposed development. Reviewing agencies may require additional information as necessary to complete their review. The zoning office may establish a reasonable fee for the processing of these applications.

(2) *Referral to public agencies and others.* Within seven (7) days after receipt of a complete permit application, the zoning office shall forward a copy of the application and attached schematic plan to each member of the environmental review committee as established by subsection (4) below, to all registered neighborhood organizations within two thousand (2,000) feet of the proposed site, to the city council and to other agencies as deemed appropriate by the zoning office.

a. *Basis for agency review.* All proposed conditional uses shall be reviewed on the basis of potential environmental problems and/or detrimental external effects as listed below:

1. Harmful external effects;
2. Traffic congestion or truck traffic on residential streets;
3. Air pollution caused by a stationary source;
4. Water pollution, surface and/or subsurface;
5. Radioactive emissions;
6. The presence of toxic or hazardous materials and/or wastes;
7. Emission of noise, heat, glare, fumes, and/or odors;
8. Fire hazards;
9. Visual pollution;
10. Undue concentration of uses which create the environmental problems and external effects listed above.

In addition, a proposed use shall be reviewed on the basis of its compliance with the city's comprehensive plan.

b. *Adoption of rules and regulations.* Reviewing agencies shall have the authority to adopt rules and regulations containing the criteria used to differentiate a minor conditional use from a major conditional use. Such criteria shall relate to the potential environmental problems and detrimental effects as listed in subsection (2)a., above.

c. *Minor conditional uses.* At the option of the applicant, a proposal may be reviewed according to agency criteria which is designed to evaluate its eligibility as a minor conditional use. Minor conditional uses are those which are not anticipated to cause any environmental problems for abutting properties or nearby residential areas. Agency criteria used to identify such minor uses shall be in writing and available to applicants prior to the time of application. Applications shall be reviewed by the zoning office staff using the criteria and referred to the agencies for verification. If a majority of agency members of the committee verify that a proposed use is a minor conditional use, the administrator shall issue the use permit without satisfying the requirement of subsection (5), public meeting. Agencies may attach conditions to their approval, and such conditions shall be listed on the use permit. Agency decisions shall be forwarded to the zoning office no later than fifteen (15) calendar days after receipt of a completed application by the zoning office. Agencies which do not submit their decision to the zoning office within the specified time shall be assumed to have made a favorable decision without conditions.

d. *Major conditional uses.* If the proposed use is determined not to be a minor conditional use or if that evaluation process was not chosen by the applicant, the zoning office shall see that all committee members have a copy of the application and shall instruct the recipient members to prepare a preliminary decision on the proposal. A copy of the application shall be referred to the building inspection division of community planning and development so that the agency can advise the applicant regarding any change of occupancy problems.

(3) *Request for public meeting and notification.* A public meeting of the committee may be requested if the proposed use is determined to be a major conditional use. Such request must be submitted to the zoning office no later than twenty-one (21) days after the receipt of the application by the zoning office. Such request may be made after a majority vote of the executive committee, board of directors, or membership in favor of such request, by a registered neighborhood organization within two thousand (2,000) feet of the proposed use, a majority of the members of the review committee, or a petition

signed by one hundred (100) people who either own property within two thousand (2,000) feet of the proposed use or who reside within the same area. Within seven (7) days after the receipt of such request, the zoning office shall set a date for a public meeting and shall send a notice to the parties listed in (3) above, referral to public agencies and others. The meeting date shall be no less than twenty-one (21) days and no more than thirty-five (35) days from the date of the notice.

(4) *Environmental review committee established.* There shall be an environmental review committee consisting of the director of planning, the manager of public works, the zoning administrator, the chief of the fire department and the manager of the department of environmental health, or their appointed representatives. The committee shall include two (2) community members as follows: (a) a person who represents the registered neighborhood organizations whose areas adjoin an industrial zone; and (b) a person who owns property in Denver which is zoned for an industrial use and which is occupied by a permitted business or industrial use, or who owns or manages a business or industrial use in Denver. Community members shall be appointed by the mayor for a term of four (4) years and shall serve at the pleasure of the mayor. The appointment of the neighborhood representative shall be made from a list of candidates prepared by the registered neighborhood organizations. The director of planning or his/her appointed representative shall act as coordinator of this committee and shall preside at scheduled public meetings conducted by the committee. The committee may adopt rules governing all its meetings.

(5) *Public meeting.* At the meeting agency members shall indicate their intention to either approve, approve with conditions, or deny the application and the reasons for their decision. Agencies which do not submit their recommendation at the time of the meeting shall be assumed to have made a favorable decision. Community members and members of the public may express their concerns and may question the conclusions of any participating agency. If a disagreement occurs or if conflicting facts are presented, the public meeting on the case may be continued to a date specific in order to resolve the issue.

(6) *Approval/denial of the use permit.* Within twenty-eight (28) days after the receipt of an application by the zoning office if no public meeting is requested, or within seven (7) days after a public meeting or continued public meeting on a permit application, each agency member shall submit to the zoning office a written indication of their approval, approval with conditions or denial. Agencies which do not submit their comments within this seven-day period shall be assumed to have approved the application. The zoning administrator shall approve, approve with conditions or deny the permit as determined by the decisions of the individual agencies. A notice of such decision shall be sent to the applicant, any registered neighborhood organization within two thousand (2,000) feet of the subject property, the city council, and to committee members. Such notice will be sent no later than four (4) days after the decision on the permit.

(7) *Application of procedure to existing uses.* Conditional uses existing as of January 11, 1991, shall not be enlarged more than fifteen (15) percent of the existing floor area or site area unless the addition meets the requirements of this section 59-286.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-287. Uses by temporary permit.**

Uses by temporary permit, as regulated by section 59-86; parking lot designated for a special event, as regulated by section 59-85.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-288. Accessory uses.**

Accessory uses, as regulated by section 59-87.

(Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-289. Limitations on external effects of uses.**

*Performance standards.* All uses shall comply with the following limitations:

(1) *Enclosure of uses in the I-0 zone:* Every use in the I-0 zone, unless expressly exempted by the chapter, shall be operated

in its entirety within a completely enclosed structure.

(2) *Noise*: The regulations of chapter 36, Revised Municipal Code, noise control, as administered by the department of environmental health, shall apply to all properties in the industrial zone.

(3) *Vibration*: Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located. Vibrations from temporary construction and vehicles which leave the zone lot (such as trucks, trains, airplanes and helicopters) are excluded.

(4) *Air pollution and odors*: The emission of any air contaminant or odor shall be regulated by the provisions of chapter 4, Revised Municipal Code, air pollution, as administered by the department of health and hospitals.

(5) *Radioactivity*: The airborne emission of radioactive material shall comply with the latest provisions of the State of Colorado Rules and Regulations pertaining to radiation control.

(6) *Other emissions*: Emissions of electromagnetic radiation, heat or glare shall comply with applicable standards adopted by city regulatory agencies; and in no case shall such emissions endanger human health, cause damage to vegetation or property, interfere with the normal operation of equipment or instruments, or interfere with the reasonable use and enjoyment of property located outside the zone lot on which a use is operated.

(7) *Outdoor storage and waste disposal*:

- a. No materials or wastes shall be deposited upon a zone lot in such form or manner that they may be transferred off the zone lot by natural causes or forces.
- b. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
- c. Limitation on the aboveground storage of certain materials:
  1. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground except that:
    - i. Railroad locomotive fueling, fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas and the fueling of vehicles operated in association with a permitted use may utilize aboveground tanks provided they are located a minimum of one thousand (1,000) feet from a protected use.\*
    - ii. Vaulted tanks as approved by the fire department may be located above ground.
    - iii. The parking of railroad tank cars containing explosive or flammable materials [may be] located at least one thousand (1,000) feet from a protected use. A protected use is any residential use, a hospital, an auditorium or other building used for public assembly. The one-thousand-foot spacing may be reduced by the administrator with review and concurrence of the fire department, providing the owner submits evidence that the proposed storage facility will not create a hazard for nearby protected uses.
  2. Liquefied petroleum gases shall be stored no closer to any boundary line of a zone lot on which they are located than that allowed by the Denver Fire Code.
  3. Explosives shall be stored no closer to any boundary line of the zone lot on which they are located than that allowed by the Denver Fire Code.

(8) *Loading operations*: Truck or railroad loading or unloading operations located within two hundred (200) feet of and abutting to a residential district shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m. or else shall be conducted entirely within an enclosed structure.

(Ord. No. 361-03, § 3, eff. 5-23-03)

## **Sec. 59-290. Permitted structures.**

The following regulations shall apply to all industrial zones:

(1) *Zone lot for structures*. A specific ground area, herein called the zone lot, shall be designated, provided and continuously maintained for all structures containing a use or uses by right. Each zone lot shall have at least one (1) front

line. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this chapter can be maintained.

(2) *Location of structures.* Except for permitted encroachments, vehicle/pedestrian accessways and the uses or improvements listed below, the space resulting from the following setbacks shall be open and unobstructed:

- a. *Front setback:* Twenty (20) feet; provided, however, that automobile parking may be maintained on the interior ten (10) feet of this setback unless the front line abuts an "R" district; then the full twenty-foot setback must be open and unobstructed. Corner lots: A 20-foot setback is required on the front line which is part of the longer dimension of the block; however, the setback adjacent to the front line comprising the shorter dimension of the block may be reduced to ten (10) feet. If the lot width measured along the longer dimension of the block is one hundred (100) feet or less, the setback adjacent to the front line comprising the shorter dimension of the block may be reduced to five (5) feet.
- b. *Side setback:* Ten (10) feet wherever the side line abuts an "R" zone. In all other cases, no setback is required.
- c. *Rear setback:* Ten (10) feet where the rear line abuts an "R" district. If the zone lot abuts a "B" zone, the rear setback shall be the same as that required for the "B" district. In all other cases, no setback is required.
- d. *Permitted encroachments on setback space:*
  1. Belt courses, sills, lintels and pilasters may project eighteen (18) inches into front, rear and side setback spaces.
  2. Cornices, eaves and gutters may project three (3) feet into front setback space. Cornices, eaves and gutters may project five (5) feet into rear setback space and thirty-six (36) inches into side setback space; provided, however, that if the side setback space is less than five (5) feet in width, then such projection shall not exceed one-half the width of the side setback space.
  3. Outside stairways may project five (5) feet into front setback space; access ramps for the handicapped may encroach into any required building setback space, providing no alternative location is available and providing the ramp construction is compatible with the character of the structure. Outside stairways may project ten (10) feet into rear setback space and three (3) feet into side setback space.
  4. Unwalled porches, terraces and balconies may extend five (5) feet into front and rear setback spaces.
  5. Chimneys not to exceed six (6) feet in width may project eighteen (18) inches into front, and rear and side setback spaces.
  6. Building accessories designed and intended to control light entering a building and being a permanent part of such building may project five (5) feet into front setback space, and ten (10) feet into rear setback space and three (3) feet into side setback space.
  7. Building accessories designed and intended to control light entering a building and not being a permanent part of such building, by being removable therefrom and by not being attached to a load-bearing member thereof, may project any distance into any setback space.
  8. Canopies may project any distance into the front setback space.
  9. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
  10. Gas and electric meters may project three (3) feet into any setback space if screened on all sides by a masonry wall. Utility pedestals, transformers or other similar equipment may be installed in any setback providing they do not exceed a height of three (3) feet.
  11. Basketball goals on a fixed post may project any distance into the setback spaces.
  12. Open walls or fences or chainlink security fences not exceeding seven (7) feet in height may be erected on any portion of any required setback area. The height of such walls or fences shall be determined as stated in section 59-2(112.1) fence and wall height measurement.  
(Ord. No. 363-06, § 13, eff. 6-16-06)
  13. Flush mounted solar panels may encroach any distance into the setback space.  
(Ord. No. 53-08, § 28, eff. 2-8-08)

(3) *Bulk of structures.* No part of any structure (except flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels or accessory water tanks) shall project up through bulk limits which are defined by planes extending up over the zone lot at an angle of forty-five (45) degrees with respect to the horizontal (a pitch of one (1) foot additional rise for each foot additional setback) and which planes are shown in the diagram below:

(Ord. No. 53-08, § 29, eff. 2-8-08)

GRAPHIC LINK: [Front View](#)

GRAPHIC LINK: [Side View](#)

The [preceding] sketch generally illustrates the setback and bulk regulations for most buildings containing a use by right.

The Code language prevails if any variation occurs between the illustration and Code language.

- (4) **Maximum gross floor area in structures.** The sum total of the gross floor area of all structures on a zone lot shall not exceed the floor area ratios (FAR) as shown below (FAR is the ratio of the gross floor area to the site area):
- a. I-0 Five-tenths (0.5) FAR for non-office uses, plus five-tenths (0.5) FAR for office uses; providing, however, that if non-office uses occupy less than five-tenths (0.5) F.A.R, the office use may be increased proportionately to a maximum of one (1.0) FAR
  - b. I-1 and I-2 Two (2.0) FAR
- (Ord. No. 361-03, § 3, eff. 5-23-03)

**Sec. 59-291. Required site improvements.**

(a) *Screening by solid wall and/or fence.* The solid wall or fence shall consist of wood, brick, masonry or other materials as approved by the zoning administrator; however, salvage doors and corrugated or sheet metal shall not be allowed. The requirement for a solid wall or fence may be satisfied by an equivalent visual barrier consisting of chainlink fence containing an approved sight-obscuring material. Within fifty (50) feet of the intersection of the right-of-way lines of intersecting streets, the height and location of such walls or fences shall be determined by the director of transportation engineering. All walls or fences shall be maintained in good condition at all times.

(1) *Outdoor storage areas adjacent to certain zoned areas.* All outdoor storage areas or facilities for fuel, raw materials, equipment and products shall be enclosed by a solid wall or fence adequate to conceal such facilities from abutting residential and business zoned properties. Such storage areas and unenclosed solid waste collection areas which are located within two hundred (200) feet of and abutting a residential or business zoned property shall be screened by a seven- to ten-foot high solid wall or fence. Materials and products stored within one hundred (100) feet of a residential or business zoned property shall not be stacked to a height above that of the wall or fence surrounding the storage area.

(2) *Junkyard.* Such yard must be entirely surrounded by a solid wall or fence as described by section 59-291(a) above. The height of such fence or wall shall screen the view of the stored material and need not exceed a height of ten (10) feet. Existing solid walls or fences consisting of prohibited materials shall be replaced with approved materials no later than June 15, 1993.

(b) *Landscaping of setback areas.* The required setback area shall be landscaped according to the requirements listed below. The zoning administrator shall adopt rules and regulations for such landscaping and shall review proposed plans on the basis of such rules and regulations.

(1) *Front setback.* The required front setback shall be improved by the installation of trees and ground cover in accordance with the rules and regulations mentioned above. The required trees may be located either in the setback area or in the public right-of-way if approved by the public works department and city forester.

(2) *Side and rear setback areas abutting a residential district.* The presence of a street or alley shall not destroy the abutment of a zone lot to a zone district. Landscaping shall be required in these setback areas to create a visual barrier for residentially zoned properties. The landscaping rules and regulations as adopted by the zoning administrator shall describe the elements necessary to create such visual barrier and shall include a mixture of understory vegetation and canopy trees.

(c) *General landscaping requirement.* Landscaped areas equal to five (5) percent of the zone lot area shall be installed on the zone lot. Front setback landscaping and the landscaped areas required for onsite parking lots may be counted as part of this requirement. Such landscaping shall be located near the front of the zone lot and shall comply with the aforementioned rules and regulations.

(d) *Application of the landscaping requirements to existing uses.*

(1) *Setback areas.* The landscaping requirements for front, side and rear setback areas abutting a residential district shall apply to existing uses. The presence of a street or alley shall not destroy the abutment of a zone lot to a zone district. Where a zone district boundary follows a railroad right-of-way, consideration shall be given to transportation safety, adequate drainage and right-of-way maintenance needs in the administration of this requirement. The city shall notify all affected property owners of this requirement and shall instruct such owners in regard to the planting requirements and the phases of compliance. The administrator shall adopt guidelines for the application of these requirements to the variety of situations which will occur where industrial districts abut residential districts. The administrator may waive the requirement or may allow the relocation of the planting or may require substitute improvements if it appears that the

application of the requirements to the specific circumstances of the zone lot would create an unreasonable burden on the owner. Such burden would be created if the application of this requirement were to remove required parking spaces from the front setback where no other convenient location was available onsite for such parking spaces. In addition, the administrator may waive the requirement if the strict application of the requirement would provide no significant benefit to adjoining residentially zoned property.

(2) *General landscaping.* The general landscaping requirement of subsection 59-291(c) shall apply to the expansion of an existing use if the site area or gross floor area of such use is enlarged more than fifteen (15) percent of that existing at the date of the adoption of this subsection. The area of landscaping required shall be the ratio of additional floor or site area to the gross floor area or site area existing at the date of adoption multiplied times five (5) percent. A formula explaining the application of this requirement is shown below.

Assume an industrial use is to be expanded by twenty-three (23) percent of the present gross floor area or site area:

$$0.23 (23\%) \times 0.05 (5\%) = 0.0115$$

$$0.0115 \times \text{present zone lot area} = \text{area of required new landscaping.}$$

GRAPHIC LINK:[Side or Rear Setback Area Abutting a Residential Zone--Cross Section](#)

GRAPHIC LINK:[Front Setback Area--Side View](#)

The sketch generally illustrates the setback and bulk regulations for most buildings containing a use by right.

The Code language prevails if any variation occurs between the illustration and Code language.

(e) *Application of the enclosure requirement to certain existing uses.* A recycling facility shall be operated within a completely enclosed structure.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-292. Permitted signs.**

The provisions of article V of this chapter on permitted signs shall be in full force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-293. Off-street parking requirements.**

The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in this district; except that the landscaping requirements of section 59-585(11), landscape plan, shall not apply to truck parking areas.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-294. Off-street loading requirements.**

The provisions of article VII of this chapter on off-street loading requirements shall be in full force and effect in this district. Off-street truck loading docks shall be so located that trucks parked in such docks will not occupy the public right-of-way.

(Ord. No. 361-03, § 3, eff. 5-23-03)

#### **Sec. 59-295. Special zone lot plan for planned building groups.**

The provisions of article VIII of this chapter on special zone lot plan for planned building groups shall be of no force and effect in this district.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Secs. 59-296--59-300. Reserved.